

**RULES COMMITTEE MINUTES**  
**Monday, June 15, 2020 4:30 P.M.**

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Present: Committee Members: Chairperson, Aaron Banks; Ashby Foote, Vice Chair; Charles H. Tillman; Melvin Priester, Jr.; Virgi Lindsay, Council President.  
Directors: Shanekia Mosley, Clerk of Council, John Carroll, Chief Deputy Clerk of Council and Chandra Gayten, City Attorney’s Office.

Absent: None.

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The meeting was called to order by **Chairperson Aaron Banks.**

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**ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI AMENDING SECTION 110-28, OF THE CITY OF JACKSON, MISSISSIPPI CODE OF ORDINANCE, PROCEDURES FOR THE ERECTION OF PUBLIC ACCESS GATES TO NEIGHBORHOODS.**

Sec. 110-28. - Procedures for the erection of public access gates to neighborhoods.

- (a) *Applicability.* This section shall apply to any residential street within the city in which the homeowner's organization or other approved applicant agrees to install and maintain the gate(s) at applicant's sole expense.
- (b) *Accessibility.*
  - (1) Gates controlling entry to residential streets must provide full and equal access to the residential neighborhood to all members of the general public 24 hours a day, seven days a week.
  - (2) All public access gates should be marked with signage indicating that it is open to the public. Gates may only be erected in neighborhoods, which are defined as one or more of the following:
    - a. Residential areas within the boundary of one homeowner's association;
    - b. Residential areas shown on one or multiple recorded plats with the same or similar name commonly considered or referred to as one neighborhood that may or may not be the same name as the recorded plat(s); or
    - c. Other areas determined by city staff to be distinctive and cohesive.
  - (3) Gates shall not be erected on or in conflict with any collector or arterial streets as shown on the current MDOT functional classification system map. (<http://mdot.ms.gov/documents/planning/?dir=Maps/Functional%20Class%20Maps/>).
- (c) Gate Approval Process – Prior approval is required for installation of public access gates.
  - (1) Pre-Application Meeting – Prior to submittal a Public Access Gate Application, a pre-application meeting with Planning and Development Staff is required.

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- (2) Conceptual Drawing– Prior to submittal of a Public Access Gate Application, a conceptual drawing showing proposed locations shall be submitted to Planning and Development. After submittal of conceptual drawing staff will give written approval to move forward to community meeting.
- (3) Community Meeting – Under the direction of Planning and Development, applicant shall hold a community meeting to share conceptual drawings and to gather input.
  - a. Notice Required:
    - (1) All property owners in the neighborhood boundary must be notified by certified mail of the time, place, and location of the community meeting at least 15 days prior.
    - (2) All property owners identified by staff as directly affected by the gate outside of the neighborhood boundary.
    - (3) Upon filing an application, a public notice sign with time, date, and location for the community meeting, approved by city staff shall be posted at all proposed gate locations 15 days prior to the community meeting for the proposed gate.
  - b. Meeting Format: During the community meeting the conceptual drawings shall be shared and a record of all input provided shall be kept.
  - c. Upon completion of the public notice and community meeting required Planning and Development staff will provide written approval to move forward to submit a formal application.
- (4) Formal Application: All applications for permits to install gates shall be submitted to the department of planning and development's site plan review coordinator. All permit applications shall contain the following information:
  - a. Scaled ~~sketch~~ site plans or photographs showing proposed gate dimensions and details of surrounding streetscape elements, including property lines, sidewalks, curb lines, lighting, trees indicating size, tree grates, planters, street signs, bus stops and fire hydrants if relevant.
  - b. A petition reflecting that at least 75 percent of the property owners who reside within the proposed gated area are in favor. In lieu of a petition, a ballot may be sent by mail to all property owners who reside within the proposed gated area. If 75 percent of those property owners vote in favor of the gate(s), a sworn letter confirming that the vote occurred as described shall be submitted in place of a petition. The names and addresses of property owners voting in favor of the public access gate must be provided with the sworn letter.

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- c. Any other additional information required by law, rule, or ordinance, or that any department of the city or city council, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The application can be supplemented prior to final determination.
  - d. Proof of Notice: Applicant shall provide visual time stamped evidence that public notice signs have been properly displayed and certified mail receipts for required letters.
- ~~(e) *Prior approval required.* All applications for permits to install gates shall be submitted to the department of planning and development's site plan review coordinator. All permit applications shall contain the following information:~~
- ~~(1) Scaled sketch plans or photographs showing proposed gate dimensions and details of surrounding streetscape elements, including property lines, sidewalks, curb lines, lighting, trees indicating size, tree grates, planters, street signs, bus stops and fire hydrants if relevant.~~
  - ~~(2) A petition reflecting that at least 75 percent of the property owners who reside within the proposed gated area are in favor. In lieu of a petition, a ballot may be sent by mail to all property owners who reside within the proposed gated area. If 75 percent of those property owners vote in favor of the gate(s), a sworn letter confirming that the vote occurred as described shall be submitted in place of a petition. The names and addresses of property owners voting in favor of the public access gate must be provided with the sworn letter.~~
  - ~~(3) Any other additional information required by law, rule, or ordinance, or that any department of the city or city council, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The application can be supplemented prior to final determination.~~
  - ~~(4) Upon filing an application a public notice sign, provided by city staff, shall be posted at all proposed gate locations 15 days prior to the site plan review committee hearing for the proposed gate. On the day of applicant's site plan review committee hearing, applicant shall provide visual time stamped evidence that public notice signs have been properly displayed.~~
- (d) *Design standards.*
- (1) All gate installations must conform to the following provisions:
    - a. Gates shall be designed in such way as to avoid damage to existing public infrastructure including road surface, base, and curbing.
    - b. A turn around space shall be constructed at the expense of the applicant or homeowners association in an area at a distance in front of the public access gate to allow an average size passenger vehicle to turn around and leave without accessing the gate.

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- c. A sign shall be installed at the public access gate control mechanism, which states "Push Button for Access." The absence of signage or use of signage, which in any manner discourages entrance by the public, shall not be allowed.
  - d. The gate shall have a Firebox and SOS system, which allows access by emergency vehicles, including fire and police department vehicles. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
  - e. The area containing and adjacent to the public access gate shall be sufficiently lighted so that the public access gate may be easily seen at night.
  - f. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times. In the event of a loss of power, a default open function shall be installed to keep the gate open until such time as power has been restored.
  - g. In neighborhoods where multiple entrances exist, exit-only gates may be permitted so long as one entrance remains open to the general public at all times. The city shall determine whether or not a gate location is suitable to function as an "exit-only" gate on a case-by-case basis in the site plan review process.
  - h. The public access gate shall comply with all other design standards consistent with a policy established by staff to implement this section.
- (2) The applicant shall assume all costs and responsibility for planning, installation, and maintenance of the public access gate, including repair or replacement if the public access gate malfunctions, become inoperable, or is damaged.
  - (3) City shall have the right to enter, inspect, disable, open, or remove any device or other feature that implements or controls vehicle access at the sole expense of the applicant. All gate signage and equipment are subject to periodic inspection by the city and if found to be in a condition of disrepair must be repaired by the applicant within five days of written notice from the city to the applicant's listed point of contact. Any request for extension of time to repair must be approved, in writing, by city staff. While the gate is under repair it shall remain in an open position at all times.
  - (4) To protect the interests of the city, the applicant shall obtain a policy of liability insurance in an amount of not less than \$1,000,000.00, which policy will include the city as an additional insured interest and which will protect against costs, expenses, damages or judgments associated with claims arising out of the approval, installation and maintenance of the public access gate. Further, the applicant shall indemnify the city and hold harmless for any costs, expenses, damages or judgments associated with claims arising out of the approval, installation and maintenance of the public access gate.
  - (5) Upon submission of application to the site plan review committee, the applicant shall name an individual who will act as the point of contact for any issues relating to or regarding its gate. The applicant shall keep on file with the planning and development department the name, telephone number, and email address of the point of contact.

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Additionally, each applicant shall provide the same information of an alternate to act in the absence of the point of contact.

(e) *Approval and appeals process.*

- (1) Within 60 days of receipt of the application, the site plan review committee shall make a written recommendation for approval or denial to be submitted to the planning and development director. At that time, the planning and development director shall notify the applicant of the determination, and shall also place upon the city council agenda its recommendation for the approval or denial of a permit to erect a public access gate. Council shall then, by regular or special called meeting, conduct a public hearing in which interested parties and general citizenry shall have an opportunity to be heard. Before the city council holds such a hearing, there shall be two advertisements of the hearing. Said advertisements set forth the time and place of the hearing, and describe the nature of the proposed action. Such publications shall be submitted to the city clerk's office for publication in a newspaper approved by staff and of general circulation within the city. The first publication shall be made at least 15 calendar days before such hearing. All advertising costs shall be borne by the applicant. Proof of publication shall be provided to the planning and development director five calendar days prior to the scheduled hearing.
- (2) Any party aggrieved by a recommendation of the site plan review committee may, at the aforementioned public hearing, make known their opinions in support or in opposition to the committee's recommendation.

(Ord. No. 2016-12(3), §§ 1—5, 5-3-16; Ord. No. 2017-25(4), §§ 1—5, 9-12-17)

**Council Member Banks** moved adoption; **Council Member Lindsay** seconded.

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**Chairperson Banks** recognized **Dana Robertson**, Executive Director of the Greater Eastover Neighborhood Association, who expressed concerns about the proposed amendments to the gating approval process.

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Thereafter, **Council Members Banks** and **Lindsay** withdrew their motion and second. Said item would remain in committee.

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There being no further business, the meeting was adjourned at 5:01 p.m.